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5 **IN THE UNITED STATES DISTRICT COURT**  
6 **WESTERN DISTRICT OF WASHINGTON**  
7 **AT SEATTLE, WASHINGTON**

8 DOLORES LA ROCCO,

9 Plaintiff,

10 v.

11 HOLLAND AMERICA LINE INC., a  
12 Washington Corporation, HOLLAND AMERICA  
13 LINE N.V., a Curacao Corporation, and HAL  
14 ANTILLEN N.V., a Curacao Corporation,

15 Defendant.

**NO.**

**COMPLAINT FOR DAMAGES**

**JURY TRIAL DEMANDED**

16 COMES NOW the plaintiff, Dolores La Rocco, by and through her attorneys, and for causes  
17 of action against defendants alleges as follows:

18 **I. JURISDICTION AND VENUE**

19 1.1 This is an action by a cruise ship passenger who sustained injury on a voyage aboard  
20 the vessel M/S WESTERDAM (the "Vessel"), on a cruise departing from Seattle, Washington.  
21 Jurisdiction is vested in this Court pursuant to 28 U.S.C. §1333, due to the maritime nature of the  
22 claims. Jurisdiction is also based on diversity of the citizenship of the parties, because the amount in  
23 controversy exceeds \$75,000.

24 1.2 Venue is proper in this Court pursuant to 28 U.S.C. §1391 because defendant Holland  
25 America Line Inc. has its principal place of business in Seattle, Washington. Venue is also proper  
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1 under the forum selection clause contained in defendants' passenger contract.

2 **II. PARTIES**

3 2.1 Plaintiff Dolores La Rocco, is a resident of New Jersey and was a fare-paying  
4 passenger on the Vessel.

5 2.2 Defendant Holland America Line Inc. is a Washington corporation with its principal  
6 place of business in Seattle, Washington. At all material times, Holland America Line Inc. was the  
7 operator of the Vessel, and the agent of defendants Holland America Line N.V. and HAL Antillen  
8 N.V.

9 2.3 Defendant Holland America Line N.V. is a Curacao corporation with its principal  
10 place of business in Seattle, Washington. At all material times, Holland America Line N.V. was the  
11 charterer of the Vessel.

12 2.4 Defendant HAL Antillen N.V. is a Curacao corporation and at all material times was  
13 the owner of the Vessel.

14 **III. FACTUAL BACKGROUND**

15 3.1 On August 11, 2015, the Vessel was on a 7 day cruise departing from Seattle,  
16 Washington. Dolores La Rocco was a passenger on the Vessel.

17 3.2 Plaintiff La Rocco was entering a dining room on the vessel when she tripped over a  
18 metal strip holding down the edge of the carpeting.

19 3.3 The flashing on which plaintiff tripped was missing at least one fastener.

20 3.4 As a result of her fall, plaintiff suffered serious personal injuries. She was evacuated  
21 via air from Sitka, Alaska.

**IV. CAUSE OF ACTION - NEGLIGENCE**

4.1 Plaintiff re-alleges the allegations in Paragraphs 1.1 through 3.4 as though set forth fully herein.

4.2 Defendants, as owners and operators of the Vessel, owed plaintiff the duty to use reasonable care under the circumstances.

4.3 Defendants knew or should have known of the presence of the missing fastener and raised metal strip. As a result, defendants knew or should have known that the metal strip could be a tripping hazard to passengers, many of whom are elderly.

4.4 Defendants breached their duty of care by failing to use reasonable care to detect hazards and maintain the Vessel passageway in a safe condition.

4.6 Defendants breached their duty of care by failing to take reasonable steps to eliminate known existing hazards to passengers like plaintiff.

4.7 Defendants breached their duty of care by failing to take reasonable steps to warn plaintiff of known safety hazards.

4.8 As a direct and proximate result of defendants' negligence, plaintiff suffered permanent injury, past and future pain and suffering, incurred medical bills and other monetary damages, and will incur additional medical bills and monetary damages in the future.

**VI. JURY DEMAND**

6.1 Plaintiff demands a trial by jury.

**PRAYER FOR RELIEF**

Plaintiff requests that judgment be entered against Defendants as follows:

- a. Awarding Plaintiff damages in an amount to be established at the time of trial.
- b. Awarding Plaintiff's actual and reasonable attorney's fees, litigation expenses, and costs incurred in this action to the extent provided by any applicable law, and
- c. Awarding Plaintiff any additional or further relief which the court finds appropriate,

1 equitable or just.

2  
3 DATED this 9<sup>th</sup> day of August, 2016.

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5 ANDERSON & MITCHELL, pllc

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7 By Wayne Mitchell  
8 Wayne Mitchell WSBA # 24347  
9 Attorney for Plaintiff  
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